



# House of Representatives

General Assembly

**File No. 583**

*January Session, 2003*

House Bill No. 5506

*House of Representatives, April 29, 2003*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING A STATUTORY FORM TRUSTEE'S DEED.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-36c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The forms set forth in this section may be used and are sufficient for  
4 their respective purposes. They shall be known as "Statutory Form"  
5 and may be referred to as such. Nothing in this chapter precludes the  
6 use of any other legal form of deed or mortgage.

7 WARRANTY DEED

8 .... of .... for consideration paid, grant to .... of .... with WARRANTY  
9 COVENANTS

10 (Description and Encumbrances, if any)

11 and any additional provisions)

T1 Signed this .... day of ...., 20...

T2 Witnessed by: ....

T3 ....

T4 (Acknowledgment)

12 QUITCLAIM DEED

13 .... of .... for consideration paid, grant to .... of .... with QUITCLAIM

14 COVENANTS

15 (Description and any additional provisions)

T5 Signed this .... day of ...., 20...

T6 Witnessed by: ....

T7 ....

T8 (Acknowledgment)

16 MORTGAGE DEED

17 .... of .... to secure payment of .... dollars with interest payable as

18 provided in a certain promissory note dated .... with final maturity on

19 .... grant to .... of .... with MORTGAGE COVENANTS ....

20 (Description and Encumbrances, if any

21 and any additional provisions)

22 This mortgage is made upon the STATUTORY CONDITION

T9 Signed this .... day of ..., 20...

T10 Witnessed by: ....

T11 ....

T12 (Acknowledgment)

23 ASSIGNMENT OF MORTGAGE

24 .... of .... for consideration paid, assign to .... all interest in a  
25 mortgage from .... to .... dated .... and recorded in Volume .... at Page ....  
26 of the .... Connecticut Land Records.

T13 Signed this .... day of ..., 20...

T14 Witnessed by: ....

T15 ....

T16 (Acknowledgment)

27 CONSERVATOR'S DEED

28 .... of .... conservator of the estate of ..., an incapable person, for  
29 consideration paid, grant to .... with CONSERVATOR'S COVENANTS

30 (Description and Encumbrances, if any  
31 and any additional provisions)

T17 Signed this .... day of ..., 20...

T18 Witnessed by: ....

T19 ....

T20 (Acknowledgment)

33 .... of ..., trustee under article .... of the last will and testament ...,  
34 late of ..., ... duly qualified as trustee, for consideration paid, grant to  
35 .... with TESTAMENTARY TRUSTEE'S COVENANTS

T21	Signed this .... day of ...., 20...	
T22	Witnessed by:	....
T23		....
T24	(Acknowledgment)	

39 .... of .... duly qualified and authorized executor of the last will and  
40 testament of .... late of .... for consideration paid, grant to .... with  
41 EXECUTOR'S COVENANTS

T25	Signed this .... day of ..., 20...	
T26	Witnessed by:	....
T27		....
T28	(Acknowledgment)	

4

45 .... of .... duly qualified and authorized administrator of the estate of  
 46 .... late of .... for consideration paid, grant to .... with  
 47 ADMINISTRATOR'S COVENANTS

48 (Description and Encumbrances if any  
 49 and any additional provisions)

T29 Signed this .... day of ..., 20...

T30 Witnessed by: ....

T31 ....

T32 (Acknowledgment)

50 TRUSTEE'S DEED

51 .... of ..., trustee under ..., ... duly qualified as trustee, for  
 52 consideration paid, grant to ... with TRUSTEE'S COVENANTS

53 (Description and Encumbrances if any  
 54 and any additional provisions)

T33 Signed this .... day of ..., 20...

T34 Witnessed by: ....

T35 ....

T36 (Acknowledgment)

55 Sec. 2. (NEW) (*Effective October 1, 2003*) A deed following the form  
 56 entitled "Trustee's Deed", when duly executed, has the force and effect  
 57 of conveying to the grantee the fee simple title which the trustee has  
 58 pursuant to authority given in the trust instrument or by law with  
 59 covenants that (1) the trustee is duly qualified to act as trustee, (2) the  
 60 trustee has full power and authority as trustee to bargain and sell the

61 described premises in manner and form as set forth, and (3) the trustee  
62 and the trustee's successors shall warrant and defend the granted  
63 premises against all claims and demands of any person claiming by,  
64 from or under the trustee.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Probate Court	PCAF - None	None	None

Note: PCAF=Probate Court Administration Fund

**Municipal Impact:** None

**Explanation**

The bill provides for a statutory form Trustee's Deed and passage would not result in any fiscal impact to the state.

**OLR Bill Analysis**

HB 5506

**AN ACT CONCERNING A STATUTORY FORM TRUSTEE'S DEED****SUMMARY:**

The bill establishes a statutory form of a trustee's deed that trustees may use to convey real estate. If the trustees use it, and it is properly executed, the deed conveys to the grantee the fee simple title, which the trustee has pursuant to authority the trust or the law gives him. Further, the deed contains covenants that the trustee (1) is qualified to act as trustee, (2) has full power and authority as trustee to bargain and sell the property as set forth in the deed; and (3) and his successors will guarantee and defend the conveyance against all claims and demands of any person claiming by, from, or under the trustee.

(Fee simple title is a possessory interest in real estate that, unless old or given away during the owner's lifetime or by will, descends automatically to the owner's heirs when the owner dies and then to their heir, and so on indefinitely. This is distinguished from other types of title, which terminate upon the happening of some conduct or event.)

EFFECTIVE DATE: October 1, 2003

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 41      Nay 0